

CHAPTER 02

TRIBAL/STATE

AGREEMENTS

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 02—TRIBAL/STATE AGREEMENTS**

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02.01 INTRODUCTION

- A. The Indian Child Welfare Act (ICWA), 25 U.S.C. 1901, et. seq., authorizes the state of Washington to enter into agreements concerning the care and custody of Indian children and jurisdiction over child custody proceedings involving Indian children.
- B. The department, as authorized in ICWA, has offered an agreement to each Tribe in the state depending on the Tribe's status as an Exclusive Jurisdiction or Concurrent Jurisdiction Tribe. The department and the Tribes have entered into these agreements to implement ICWA, to supplement the Act's requirements, and to apply any CA regulations, directives, policies, or manual instructions consistently with the terms of the agreements and the Act.
- C. This chapter provides placement for agreements that Children's Administration (CA) regional and local offices have negotiated with the Tribes and off-reservation Indian organizations within their respective service areas. CA expects its regional and local offices to enter into procedural agreements with the Tribes and off-reservation Indian organizations in the respective service areas that comply with and complement the agreement between the Tribe or off-reservation Indian organization and the state.

02.05 EXCLUSIVE JURISDICTION

The department has recognized the exclusive original jurisdiction of applicable Tribes with respect to child welfare matters covered in the agreements with those Tribes. This exclusive original jurisdiction applies to Indian children who are resident or domiciled within the respective Tribe's reservation or who are wards of the tribal court. The agreements between these Tribes and the state honor the Tribes' status as possessing exclusive jurisdiction over such children.

02.10 CONCURRENT JURISDICTION

- A. DSHS recognizes that DSHS and some Tribes have concurrent jurisdiction with respect to child welfare matters arising within the Tribe's reservation or that involve Indian children resident or domiciled on the Tribe's reservation. The department's agreements with these Tribes provide that CA will offer the Tribe with an opportunity to exercise tribal jurisdiction before CA takes any action to invoke state court jurisdiction, except as otherwise specified in the agreement with the Tribe.
- B. CA recognizes that such Tribes, if they choose, have exclusive civil jurisdiction over matters concerning Indian children in circumstances involving termination of parental rights, involuntary foster care placement and adoption proceedings, and application of dependency, children in need of services, and child abuse and neglect laws.

02.15 REGIONAL AND LOCAL AGREEMENTS

CA staff will place all regional and local Tribal/State agreements applicable to the service area of the Region and the local office in this section.